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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/657,972 | 09/09/2003 | Darin J. Beesley | 702.279 | 4132 |

7590 03/15/2004
Devon A. Rolf
GARMIN INTERNATIONAL, INC.
1200 East 151st Street
Olathe, KS 66062

EXAMINER

ZANELLI, MICHAEL J

ART UNIT PAPER NUMBER

3661

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,972

Applicant(s)

BEESLEY ET AL.

Examiner

Michael J. Zanelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,9,10,13,14 and 16-36 is/are rejected.
- 7) ☒ Claim(s) 2-8,11,12 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/9/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This application is acknowledged as a Continuation of S.N. 10/027,334.
2. Claims 13 and 16-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - A. As per claim 13, “the data decoded by the data structure” lacks antecedence (see claim 10).
 - B. As per claim 16 “the data” lacks antecedence.
 - C. As per claim 17, at lines 2-3 the data recited in claim 16 has not been defined as canonical Huffman encoded data.
 - D. As per claim 21, it has not been established in claim 16 that the data is navigation data from a server.
 - E. As per claim 22, “the data” and “the canonical Huffman encoded data” lack antecedence.
 - F. As per claim 25, “the decoded canonical Huffman encoded data” lacks antecedence. Note the data described in claim 22 is not decoded.
 - G. As per claim 29, “the PDA” lacks antecedence. The claim is also unclear as to what is being referred to by “its”.
 - H. As per claim 31, “the data” and “the decoded canonical Huffman encoded data” lack antecedence.
 - I. As per claims 34 and 36, “the canonical Huffman encoded data” lacks antecedence. Note claim 31 refers only to decoded canonical Huffman encoded data.

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J. All claims depending from a rejected base claim are also rejected as containing the same deficiencies.

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 9, 10 and 14 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9 and 14 of U.S. Patent No. 6,650,996. Although the conflicting claims are not identical, they are not patentably distinct from each other because both the patented claims and the application claims are directed to methods and structures/devices for processing canonical Huffman encoded data to extract high-frequency and low-frequency symbols. Both the patent claims and the application claims use identical direct-index lookup and binary search functions to achieve extraction of the symbols.

4. Claims 1-36 are distinguishable over the prior art. The prior art of record does not show or reasonably suggest, in combination with the other claimed subject matter, performing a 2^N -deep direct-index lookup using N bits from a received signal containing canonical Huffman encoded data to extract high-frequency symbols and to provide bracketing indices for

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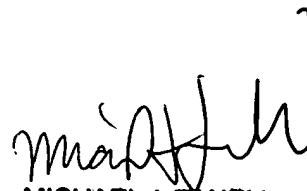
low-frequency symbols and performing a binary search bounded by the bracketing indices to extract the low-frequency symbols (claims 1, 9, 14 and 22). The prior art of record does not show or reasonably suggest, in combination with the other claimed subject matter, a field representing an accelerator table for use in performing a 2^N -deep direct- index lookup of data to extract high-frequency symbols and to identify bracketing indices for low-frequency symbols (claims 16 and 31). Dependent claims 2-8, 10-13, 15, 17-21, 23-30 and 32-36 are distinguishable for the same reasons.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Zanelli whose telephone number is (703) 305-9756. The examiner can normally be reached on Monday-Thursday 5:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/mjz


MICHAEL J. ZANELLI
PRIMARY EXAMINER